IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9669 of 2004

Between:

M/s Narayana Agencies, Nalgonda, rep. by its Managing Partner Gudipati Eko Narayana, S/o Late Sri G. Ramalingaiah, Hindu, age 51 years, R/o Nalgonda.

..... PETITIONER

AND

The Asst. Director of Agriculture, (Regular), Nalgonda.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue rule nisi calling for the records leading upto and inclusive of the proceedings of the respondent No C/FCO-85/21/2004-05 dt. 10-6-2004 and quash the same by issuing a writ, order or direction in the nature of Certiorari

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent: GP FOR AGRICULTURE

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned order passed by the respondent dated 10.06.2004, under which the Certificate of Registration issued to the petitioner firm was suspended with immediate effect till further orders and the petitioner was directed to dispense with the transaction of fertilizers forthwith and report the stock balances.

2. According to the petitioner, before passing the impugned order, no notice or opportunity was given to him to give his explanation, and in the absence of any such procedure being followed, the impugned order is clearly in violation of the principles of natural justice and is liable to be set aside on that simple ground.

3. The leaned counsel for the petitioner contended that the respondent acted upon a complaint and an inspection report submitted behind the back of the petitioner and therefore, the impugned order is liable to be set aside.

4. The learned Government Pleader for Agriculture, however, sought to sustain the order stating that the petitioner was selling fertilizers and indulged in the sale of fertilizers containing physical impurities in considerable quantities supplied by MMTC through their network. Therefore, there is no ground warranting interference at this stage. It is also stated that the enquiry, if any, may be taken up subsequently. He, therefore, sought to dismiss the writ petition.

5. Heard the learned counsel for the petitioner and the learned Government Pleader for Agriculture.

6. The grievance of the petitioner is that the certificate of

registration of the petitioner as a dealer in fertilizers was suspended without issuing any notice and opportunity to the petitioner on certain alleged irregularities, such as selling Ammonium Sulphate containing physical impurities, which is admittedly supplied by MMTC.

7. The petitioner was granted certificate of registration for the year 2002-2003 to carry on business as a dealer in fertilizers, which is valid up to 21.01.2005. The impugned order was passed in June 2004 stating that certain irregularities have been committed by the petitioner. If the petitioner-firm has committed any irregularities and with reference to those irregularities if the respondent proposed to take action, the respondent should issue notice and put those irregularities in the notice of the petitioner calling upon him to explain, and upon receiving his explanation appropriate orders could be passed by the respondent. But the respondent did not follow any of the above said procedure before passing the order of suspension. The said action of the respondent is clearly in violation of the principles of natural justice.

8. Therefore, the impugned order is set aside and the matter is restored to the respondent. It is open to the respondent to issue a show cause notice to the petitioner and take appropriate action as warranted on facts in accordance with law.

9. The writ petition is accordingly allowed at the admission stage.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

16.06.2004
va

One Fair copy to the Hon'ble Sri Justice S. Ananda Reddy (for his lordship's kind perusal)

To

1 The Asst. Director of Agriculture, (Regular), Nalgonda
2 2 CCs to G.P. for Agriculture, High Court Buildings, Hyderabad (OUT)
3 2 CD copies